

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TORANTE GENE HANKINS,

Petitioner,

CASE NO: 07-cv-13744

v.

JUDGE PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

JERI-ANN SHERRY,

Respondent.

**ORDER GRANTING REQUEST TO AMEND HABEAS PETITION
ADDING THE AFFIDAVIT OF EYEWITNESS CHARLES H. ESTES**

This is a habeas case filed under 28 U.S.C. § 2254. Pending before the Court is Petitioner's request to amend his habeas petition, adding the affidavit of eyewitness Charles H. Estes.

Petitioner filed his habeas petition on September 6, 2007, along with a motion to stay the proceedings. The Court granted the motion so Petitioner could return to state court to exhaust his state-court remedies. On November 16, 2010, Petitioner notified the Court that he had complied with the Court's Order regarding the stay of his habeas proceedings.

On December 27, 2010, Petitioner's habeas proceedings were reopened and his amended petition was deemed filed. *Hankins v. Sherry*, No. 07-cv-13744 (E.D. Mich. Dec. 27, 2010). According to the Court's Opinion and Order, Respondent's Answer is not due until June 27, 2011.

A party may amend his pleading "once as a matter of course before being served with a responsive pleading." Fed.R.Civ.P. 15(a)(1)(A). "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed.R.Civ.P. 15(a)(2).

In this case, the Court finds that Petitioner is not engaging in dilatory tactics and therefore grants his request to add the affidavit of Charles H. Estes to the amended habeas petition.

Accordingly, **IT IS ORDERED** that Petitioner's motion to add the affidavit of Charles H. Estes to his amended habeas petition is **GRANTED**.

SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: January 7, 2011

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on January 7, 2011.

S/Denise Goodine
Case Manager